

Conservation Commission, June 25, 2012

Town of Scituate

Conservation Commission

Town Hall Selectmen's Hearing Room

Meeting Minutes

June 25, 2012

Meeting was called to order 6:15 at p.m.

Members Present: Mr. Snow, Chairman, Mr. Breitenstein, Mr. Jones, Mr. Parys, and Ms. Scott-Pipes.

Also Present: Jim O'Connell, Agent, Paul Shea, Carol Logue, Secretary

Agenda: Motion to amend the agenda to discuss 8 Border Street, signs for the Spit and Associate Members Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Laura Harbottle: Grants for two prospective properties need Commission's signatures. Higgins/MacAllister and Crosbie. Town Meeting already voted to acquire these properties. Crosbie's is on the waiting list at the land grant program, but need to reapply this year. Crosbie/Beal are willing to wait a little longer, part of the P&S is access. Mr. Snow: Appreciate Laura's willingness to go after these grants. Second piece is Higgins/MacAllister, no appraisal yet. Ms. Scott-Pipes: still applying for grant, appraisal is part of the grant. Going to apply even if the numbers are different. Think there is a very good opportunity for a grant for the Crosbie property.

Request for Determination: Fontes, Jericho Road (memorial bench) Applicant out of the state. Motion to continue the hearing to July 30, 2012 Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Request for Determination: Hallisey, 276 Central Ave. (clear driveway of over wash)*

Beverly Hallisey was present at the hearing. Proposing to clear the driveway. P.F. Spencer takes the rocks and deposits to ocean side of

home. Mr. O'Connell: no issue, if just enough is removed for parking access; needs to be cleared. Maintenance order for 5 years with notification to the office. Mr. Breitenstein: remove to second set of pilings just to access the stairs. Motion for a negative 3 determination - "The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any)." with a 5 year maintenance clause Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Request for Determination: Hatherly Golf Club, Inc., adjacent to 481 Hatherly Road (water/sewer/gas utilities)*
Bill Ohrenberger and Paul Mirabito, Ross Engineering were present at the hearing. Project: Handicapped restrooms are going to replace snack bar, but will be a filing in the fall for a new one. DPW has approved sewer connection, opened for the next 30 days. Surveyed the property in the area of proposed work, pavement will be ripped up to Musquashicut Brook, existing hay bale line on plan. Purple line represents silt sock, from the street to the top of a large elevated T. Install water and sewer utilities. Excavate trench and refill; 2 or 3 days work. Next 4 to 5 weeks work will happen. No impact on the wetland because of the silt sock. There is a moratorium on cutting the road for 5 years. Already a Notice of Intent for the sewer project. All abutters along Hatherly get hooked up. Motion for a negative 3 - "The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any)." Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Wetlands Hearing: Lucchetti, 15 Town Way Extension (relocate sediment) (cont.) (WITHDRAWN)
Applicant's representative requested to withdraw this application.

Appoint liaison to Bylaw Review Committee: Motion to appoint Tony Jones liaison to Bylaw Review Committee Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote. Mr. Jones did not vote.

Signs for The "Spit": Mr. Jones: Asked for 4 proposals received 3. Signs will allow the police to enforce. They will be yellow tin signs, 2'x2' reading: no dogs April to September, no fires, no overnight camping . . . etc. Would like to have these made and remove the others, too many competing signs in this town. Put at all the entrances and at the Driftway and at the Marinas. Install small ones at the Spit at certain locations. Do we want 6 or 8 larger signs? Much more expensive. Small ones are \$7 a piece, big ones are probably \$25. Ms. Scott-Pipes: maybe 3 or 4 big signs for the entrances; James Landing, Driftway, Spit, and 2 town marinas. Will order 25 of the small ones and put up as many as possible before the 4th of July. Find out how much for the big signs later. Mr. Jones will follow up with the Town Administrator. Let the Police Chief know and get his approval to take the others down.

Wetlands Hearing: Stanton, 0 Hatherly/0 Mann Hill Road (wetland delineation) (cont.)

Brook Monroe and Joe Stanton were present at the hearing. In March filed a wetland delineation. Commission asked their consultant to review. Asked surveyor to add the tidal creek, added label for vegetated wetland. Red line is 50' buffer, black is 100'. Mr. Shea: we have the accepted line on the revised site plan dated June 18, 2012. Wetland line continues off the property – land subject to coastal storm flowage. Recommendation is to issue the ORAD, DEP #68-2404. Mr. Snow: solely confirming the wetland line. Applicant wants to know where the wetlands are and what parameters they have to work with. Significant downgrade toward the ocean here. Buffer zones are set off the wetland line. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Planning Board is having a Drainage Workshop June 28, 2012. Mr. Breitenstein will try and attend.

Wetlands Hearing: Hale, 37 & 41 Mordecai Lincoln Road (septic & rebuild garage) (cont.)

Phil Spath was present at the hearing. Add driveway for proposed garage, remove pavement of old driveway and remove shed. No problem with septic, but the driveway and garage is additional

impervious surface in the riverfront area, without any proposal for mitigation. If altering in the riverfront area, typically looking for mitigation. Removing driveway. Typically look for areas even within the 100' riparian zone for new plantings. The driveway is going to be pervious. 1298 sq. ft. garage and 982 sq. ft. of impervious surface coming out, plus the shed. Shed is not an old garage, mislabeled on the plan. Mr. Shea: Busy area within the 100' to 200' riverfront area. Lots of different alternatives. Mr. Snow: Any invasives on the property; phragmites or purple loosestrife? Thick phragmites going down to the pond. Could request to make an effort to remove any invasives. During the preconstruction with the agent, look at eradication. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Mr. Snow: re: 172 Gannett Road / 8 Border Street. Thought they could amend their orders, but project was withdrawn. Original access was from Gannett Road. Mr. O'Connell: 8 Border Street filing was for drainage improvements. Never approved coming off Gannett Road. Went back to original access without approval. When they went to start the project off Border there was a lot of ledge and a number of trees to be removed. Made the decision to create a roadway off Gannett and then start working on ledge. Above the roadway they are outside jurisdiction. Mr. Snow: better off requesting to amend orders for access and then request mitigation plan. Mr. O'Connell: Has nothing to do with the drainage project; don't think we should mix projects. Could send an Enforcement Order to make them submit a restoration plan and they wouldn't have to file a new NOI. Fastest way to get it repaired. Town wants the crushed stone removed at the base of the hill; it has to come out, and restore slope. Need restoration plan for gravel and 50' and 100' buffer zone. Mr. Jones: asked about trees, they said they didn't take out any trees. Mr. Shea: Brought tree machine up, had to take a couple of trees. Send letter; ask for a restoration plan.

Wetlands Hearing: Marshall, 15A Hawthorne Street (septic repair)*
Mr. Parys recused himself as an abutter. Gary Walcott, Grady Consulting, LLC was present at the hearing. Abutters notification was submitted. Septic repair – Resource areas: FEMA flood zone AE, elevation 11', barrier beach, but outside the riparian zone. Installing a

1500-gallon septic tank with two 30' long leaching trenches. Everything below ground. No real lawn, just gravel. No vegetation removed. 3' below existing grade, will park on it. No grade changes. No meeting with Board of Health yet. Mr. Shea: typically BOH has worked with engineer. Did have a conversation with Jennifer today; she doesn't usually schedule a meeting until all suggestions are corrected. Could be contingent upon BOH approval. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Wetlands Hearing: Duffy, 271 Central Ave. (landscape/repave drive/raise wall/maintain rip rap/fill)*

Judy Duffy, Kevin McGuire and James Duffy were present at the hearing. Abutters notification was submitted. The Notice of Intent resulted from a cease and desist. Identified the resource areas, flood zone, and also included pictures and scope of work. Some of the work was done previously, that accounts for the cease & desist. Identified by A – M dots on the plan. Started work on the pier but stopped and will come back for that. Asking to maintain the rip rap. Question whether it is riprap or rubble. Superimposed the licensed line: green is licensed, red is not; issued around 1968 prior to the WPA. All work proposed is within the riverfront area. Broken down into 3 categories: 1. maintain wooden deck, raise wall about 18" in front of property and put a cap on it to alleviate some of the over wash; 2. driveway paving; 3.

landscaping, including planting of ornamental trees parallel to the north property line, a waterfall rock garden in the front, remove sand and stones, loam and seed along the south side of driveway and within lawn area, also between house and wall on north side and along riprap. Mr. O'Connell: Debris should be removed. Considerable amount of vegetation was destroyed. Removed approximately 75' of brush and trees. In all prior cases, always required replacement with native species, sometimes doubled. To raise or build a wall larger is not permitted; always request permeable material rather than asphalt; and native vegetation, not ornamentals. She will talk to a local nursery and make a decision on plantings. Remove already cut stumps and debris. Suggest removing only enough sand and stone for access and safety. There are 5 pieces of riprap stones, the rest is concrete rubble; not appropriate, suggest material should be removed. Don't think raising the wall will help. Believe there is a lot more salt marsh than

shown. Area A has been filled since 1968. Mean high water is at the backside of Central Ave., in 1968 it came up to Central Ave. Pier is not located in the Army Corp license. Remove rubble and revegetate dune; lawn should be native vegetation. Mix vegetation with salt tolerant plants. Because the pines and brush were removed, plant indigenous species. Ms. Scott-Pipes: agree and get the pieces of concrete off the bank. Mr. Breitenstein: need more specific information, want to know specifics, redoing deck, but not attached to house? Deck is a repair, not a replacement. It is up against the house. In terms of the planting plan, would need a specific plan, need to see exactly where the work will be done and at least 2 to 1 mitigation. Not opposed to repairing wall, 18+/-", but no higher. Mr. Parys: need planting plan, clean the brush, have a permeable driveway, and the lawn in front is kind of there, but wouldn't be a fan of loam and seed. Normally wouldn't allow seawall, but in fairness don't have such a problem with that. Mr. Jones: agree on taking the concrete out. Are you planning on extending the rip rap? No. Instead of taking stumps out, ground down. Can't see the driveway being anything but permeable. Wall in front lean toward reasonable standards. Mr. O'Connell: need new plans showing where the marsh is located. At least 5 floats are damaged and placed on the marsh. They will be placed on the driveway. Any work done, take pictures. Mr. Snow: Want to think about the wall, but believe the problem will increase. Wall needs a cap. Sit down with Jim. Can clean up the brush that has been cut, but don't cut anything more. Stumps can be ground. Don Hourihan: 2 or 3 dump trucks went up to area B, dug up grass 2 or 3 times. The marsh is being filled. Ornamental trees? The only things that will grow are scrub pine and rosa rugosa. Asking for a planting plan. Larry Gianinno, 268 Central: Issue of debris just south of driveway area. What is the resolution, what happens to debris, and the concrete? They are going to resubmit a plan. Slope is more suited for vegetation. Susan Lindberg, 265 Central: If the wall does go up, how would that impact the property next door? The more the wall raises, the more over wash is diverted around it. Wouldn't raise it on the south. Water goes down C Street, the paper street. Mr. Snow: Any proposed changes should be on the plan. Michael Murphy, 266 Central Ave: Old concrete rubble and brush being removed? Only the cut brush can be removed at this time. No concrete removal. Rosemary Dobie: 218 Central Ave. How many of the board members

have been to the site? Mr. Snow: a number of sites to visit, not all members get to all the sites. Two made it to the site. Motion to continue the hearing to July 16, 2012 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Wetlands Hearing: Winchester, 153 & 159 Hollett Street (wetland delineation)*

Steven Bjorklund was present at the hearing. Abutters notification was submitted. Filing is just to delineate the resource areas; no project proposed; wetlands flagged by John Zimmer in June. Flood zone is AE, elevation 9'. Town of Scituate floodplain is shown in pink. Ms. Scott-Pipes: Recommend outside wetland consultant. John Whittaker, 594 Country Way: one concern is the town drainage, pipe drains whole area and also Kreelman Drive. Town just spent a fortune fixing. Mr. Snow: Any future project will come back to Commission. When the town put drain in years ago, they had a 10' easement, missed the 10' easement and can't shut the water off. Mr. Bjorklund had a conversation with DPW, part of project will actually be an improvement to the drainage; not changing the existing pipes. Motion to continue the hearing to July 16, 2012 at 7:20 P.M. Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote. Joan Whittaker, 594 Country Way. Who picks the consultant? Have a list of a few people that the Commission picks from. Can be interrupted differently between the wetland scientists.

Order of Conditions: Kimmell, 62 Cornet Stetson Road (septic)
Motion to condition the project Ms. Scott-Pipes. Second Mr. Parys.
Motion passed by unanimous vote.

Order of Conditions: McCarthy, 109 Humarock Beach Road (raze/
rebuild dwelling)
Motion to condition the project Ms. Scott-Pipes. Second Mr. Jones.
Motion passed by unanimous vote.

Order of Conditions: Kincaid, 53 Rebecca Road (raze/rebuild garage)
Motion to condition the project as amended to move the building 5' out
of the 50' buffer and submit revised plan before work begins Ms. Scott-
Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Order of Conditions: Lamb, 11 Oliver Street (septic repair)
Motion to condition the project Ms. Scott-Pipes. Second Mr. Jones.
Motion passed by unanimous vote.

Order of Conditions: Hale, 37 & 41 Mordecai Lincoln Road (septic/
rebuild garage)
2 revisions: permeable driveway and direct them to remove invasives
with agent at the preconstruction. Motion to condition the project as
amended Ms. Scott-Pipes. Second Mr. Jones. Motion passed by
unanimous vote.

Extension: Popes Pond, Lot 1, 149 Old Oaken Bucket Road
Requested a 3-year extension. Motion to extend the Order of
Conditions for 3 years Ms. Scott-Pipes. Second Mr. Jones. Motion
passed by unanimous vote.

Agent's Report: Globe article about sea level rise; some areas more
critical than others. Sea levels have been rising 1 vertical foot every
100 years; 4" to 6" world-wide. Sea level rising and land mass
dropping. Acceleration has been documented since the 80s; almost
twice the rate of the last 200 years. Plan for average 3' rise over the
next 100 years. Time to plan now. Marshfield, Scituate, and Duxbury
are vulnerable areas. Working with Laura Harbottle to map areas and
decide what to do above and beyond. Mr. Jones: can't take into
account? No, have to make decisions on what is in effect now. Scituate
wetland regs factor in a 1' rise in an A zone and 2' rise in V zone.
Revision just done in regs. Technically risen 8" in the last 34 years;
can't deny the trend.

Seaweed Removal Policy: Wrote a seaweed removal policy. DPW will
be coming forward with an NOI. Been to several meetings with DPW.
Can't get rid of all that is washing up. People rake into piles and DPW
picks up.

Need to write up a blurb stating as of July 17, 2012 the town will not be
able to accept NGVD 29; new datum NAVD 88. Word has to get out
immediately. Probably should have a workshop. A surveyor agreed to

have a workshop.

Mr. Jones re: Associate members: Think we should get rid of the term associate member. Have good people that volunteer, that do good jobs.. Have to encourage citizen participation, but to call them associate members is going overboard. Take a look at how that came to be. There are some people that help tremendously. Mr. O'Connell: Giving them a little recognition is not a bad thing. if you have an associate member, recognition is important. They can't vote and should be able to address the Commission. Rather than be ongoing, revise; reevaluate. As a Commission, we have the right to appoint associate members.

Need a Vice Chair now that Scott Greenbaum is finished.

CORRESPONDENCE

June 12, 2012 – June 25, 2012

1. Project supervisor & start & end date for 68-2406 - 27 Kings Way – start date 6/12/12/end 6/26/12 (in file)
2. Request for CofC – 68-2367 – 19 Park Ave – engineer's letter, as-built, \$100.00 (in file)
3. Revised plans for 68-3416 - 37 & 41 Mordecai Lincoln Road (in file)
4. BOS letter to FEMA re: letter sent from Jim O'Connell about adoption of new FEMA maps (with Jim)
5. Abutter notification from Norwell re: 330 Old Oaken Bucket Road – June 28, 2012 at 7:15 p.m. – Demolition Delay Bylaw – Building is historically significant
6. DEP File #68-2418 – Marshall, 15A Hawthorne Street (in file)
7. DEP File #68-2419 – Kimmell, 62 Cornet Stetson Road (in file)
8. Request to Withdrawn the NOI for 15 Town Way Extension (in file)
9. Abutters notification re: 62 Cornet Stetson Road – July 9, 2012 at 7:10 p.m. (in file)
10. Abutters notification re: 153 & 159 Hollett Street (in file)
11. Planning Board List of members and Liaisons –Wm. Limbacher, Chair; Daniel Monger, Vice Chair; Richard Taylor, Clerk; Eric Mercer & Robert Vogel. Alternate seat is currently vacant.
12. Design Review Committee – June 20, 2012 - Discuss Plan Changes for Stockbridge Woods Comprehensive Permit, 90

Stockbridge Rd.

13. Recording of OofC for 568-2407 – 37 Hawthorne Street (in file)
14. Request for Extension for 68-1979 – Lot 1 Old Oaken Bucket Road – expires July 24, 2012 (in file)
15. Revised plans for 0 Hatherly & 0 Mann Hill (in file)
16. Recording of Partial CofC for 68-2457 - Ferguson, 57 Kings Way (in file)
17. Proof of pumping for 68-615 – 20 Postscript Lane – (called and told her no longer necessary)
18. Letter of approval from Richard Conti for Ms. Duffy's work on property (in file)
19. Planning Board – re: Drainage Workshop – June 28, 2012 at 7:30 p.m. – Selectmen's Hearing Room (sent to members)
20. Ocean & Coastal Consultants Newsletter
21. Planning Board Agenda for June 28, 2012 – Drainage Workshop
22. Five support letters from 262 Central with 5 different signatures re: Duffy, 271 Central to clean-up rocks and destroyed gangway & decks. Some neighbors use dock for their boats. Her effort to maintain a stronger, more secure dock signifies a responsible property owner and shouldn't be impeded by the town. Allow removal of debris before July 3rd. (in file)
23. DEP File #68-2420 for Duffy, 271 Central Ave. (in file)
24. New owner: Robert J. Tise, Trustee of The Twenty-Five Circuit Avenue Realty Trust of 19 Park Avenue. Knows and read Order of Conditions and understands them. (in file)

Meeting adjourned 9:00 p.m.

Respectfully submitted,

Carol Logue, Secretary